2381-C

ROBERT H. FABIAN
Receiver of Peoples Temple of the Disciples of Christ
(San Francisco Superior Court No. 746571)
220 Bush St.
San Francisco, CA 94104
(415) 362-2822

R

DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY [signature] DATE 3/24/11
1. ☐or XDS☐EXT. DATE
TS AUTH. REASON(S)
ENDORSE EXISTING MARKINGS ☐
DECLASSIFIED☐ RELEASABLE☒
RELEASE DENIED☐
PA or FOI EXEMPTIONS

August 8, 1980

Jay Rini, Esquire
CA/OCS/CCS/NEA
DEPARTMENT OF STATE
21st and "C" Streets, N.W.
Washington, D.C. 20520

Dear Jay:

In an effort to resolve the differences which we discussed on the telephone this afternoon I have drafted another proposal which is enclosed looking to the disposition of the evidences of debt in the possession of the State Department. The references are to paragraphs in a draft of a Petition for authority to settle. The reference to paragraph A. in paragraph (c)(2) of the enclosure is to the $2,100,000.00 proposed payment to the United States in settlement of the repatriation claims.

My preliminary analysis of the photographs which you sent me indicate that there are 1,026 United States Treasury checks of which 941 aggregating $196,869.00 are endorsed and 85 aggregating $17,912.00 are unendorsed.

With respect to the last sentence giving my reason and justification for an allowance of a discount to the United States our research last year indicated quite clearly that the primary responsibility for the cost of interment is the estate of the decedent. It seems to me reasonable to assume that having borne a portion of the cost of interment the United States may be entitled to some claim against the estates of these decedents. The costs of determining each case is such that it seems to me a reasonable solution to allow the United States a 33% credit. Please let me hear from you as soon as possible.

Perhaps an early submission of this idea to Warren Christopher might help reach a solution. With respect to authority to compromise it seems to me that the Deputy Attorney General or the Associate Attorney General probably have authority to make decisions leading to a conclusion of this tragic incident, at least in so far as the fiscal aspects are concerned.

My motivation since I was appointed Receiver in January of 1979 has been to try to reduce the number of issues

and contentions to a manageable size so that the Receivership could be terminated and the assets distributed in some sort of a fair fashion. Your cooperation will be deeply appreciated.

Sincerely,

Robert H. Fabian,
Receiver

RHF:ks
Enclosure

cc: James G. Bruen, Esquire

Insert: New D, page 8.

D. With respect to the evidences of debt recovered in Guyana described in paragraph 8 hereof, the United States and the Receiver will jointly determine and select:

(a) Those instruments which (i) disclose on their face or by special endorsement that they represent assets of the Receivership, and (ii) those instruments that are postal or other money orders, traveler's checks and other similar instruments which have been endorsed or countersigned by the purchasers thereof without completing the names of the payees. These will be delivered to the Receiver and their proceeds administered in the Receivership.

(b) Those instruments which represent obligations of the United States Government and which are unendorsed by the payees. These will be retained by the United States and the proceeds disposed of according to law.

(c) Those instruments which represent obligations of the United States and which were endorsed in blank by the payees thereof will either

(1) Be delivered to the Receiver for collection and administration in the Receivership, the United States agreeing to honor its obligations thereunder, or

(2) Be retained by the United States for disposition according to law, in which event the United States will credit against the sum agreed

to be paid under paragraph A hereof ($2,100,000), an amount equal to 67% of the aggregate amount of such instruments. Receiver's reason for the 33% concession is that under law the payees or the estates of decedents have a responsibility to reimburse the United States for travel or burial expenses, giving rise to a right of offset in the United States.